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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR        | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|-----------------------------|---------------------|------------------|
| 10/667,383   | 09/23/2003  | Jong-Hyun Yoon              | 0630-1845P          | 1937             |
| 2292 7590 07/07/2009<br>BIRCH STEWART KOLASCH & BIRCH<br>PO BOX 747<br>FALLS CHURCH, VA 22040-0747 |             |                             |                     |                  |
| EXAMINER<br>SCHNURR, JOHN R  |             |                             |                     |                  |
| ART UNIT<br>2421   |             | PAPER NUMBER                |                     |                  |
| NOTIFICATION DATE<br>07/07/2009  |             | DELIVERY MODE<br>ELECTRONIC |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte*: JONG-HYUN YOON

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Application No. 10/667,383  
Technology Center 2400

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Mailed: July 7, 2009

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Before TOI JOHNSON *Review Paralegal*  
JOHNSON, *Review Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on April 15, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S ANSWER, EVIDENCE RELIED UPON

Section §1207.03 of the *Manual of Patent Examining Procedure*

(MPEP) (Eighth Edition, Rev. 6, September 2007) states:

(A) CONTENT REQUIREMENTS FOR EXAMINER'S ANSWER. The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

. . . .

- (8) Evidence Relied Upon. A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and in the case of non-patent references, the relevant page or pages.

The Examiner's Answer mailed November 25, 2008, is deficient because the "Evidence Relied Upon" section fails to include the reference, 1997 edition of the Microsoft Computer Dictionary, cited on page 12 in the "Response to Argument" section.

Appropriate correction is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) issue a PTOL-90A citing the missing references listed under the Evidence Relied Upon section, paragraph (8); and
- 2) issue a corresponding PTO-892 citing the NPL reference;
- 3) for such further action as may be appropriate.

Application No. 10/667,383

If there are any questions pertaining to this Order, please contact the  
Board of Patent Appeals and Interferences at 571-272-9797.

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